

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:  
Richard D. Dettinger et al.

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Filed: April 8, 2004

Group Art Unit: 2164

Serial No.: 10/821,149

Examiner: Jacob F. Betit

Confirmation No.: 9495

For: METHOD OF MANAGING AND PROVIDING PARAMETERIZED QUERIES

MAIL STOP APPEAL BRIEF - PATENTS  
Commissioner for Patents  
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July 14, 2008  
Date

/John C. Garza/  
John C. Garza

Dear Sir:

REPLY BRIEF

Applicants submit this Reply Brief to the Board of Patent Appeals and Interferences in response to Examiner's Answer mailed on May 12, 2008. While Applicants' maintain each of the arguments submitted in Applicants' previously submitted Appeal Brief, Applicants make the following further arguments in light of the Examiner's Answer.

## ARGUMENTS

### **1. Claims 1-7, 12-16 and 22-26 are not anticipated by Yuknewicz under 35 U.S.C. § 102(e).**

#### *The Applicable Standard*

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

#### *The Examiner's Arguments*

On pages 10-12 of an *Examiner's Answer*, the Examiner provides elaboration with respect to the Examiner's previously submitted arguments, suggesting that Applicants' arguments are not persuasive. In response, Applicants respectfully maintain that each of the arguments presented in *Applicants' Appeal Brief* are correct, and further provide the following arguments in response to the Examiner's Answer.

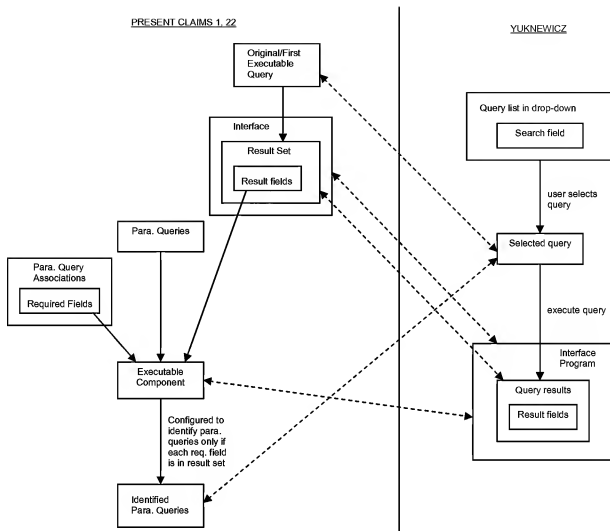
#### *Applicants' Response to Examiner's Arguments*

Regarding independent claims 1 and 22, the Examiner states

However, claim 1 is a system claim made up of a plurality of components. These components are not required by the claim language to be organized in any particular order. For this reason, in the rejection of claims 1 and 22, the result set is interpreted to be the result of the "original executable query" which is a parameterized query that has been executed. Thus interface that is presented to the user is presented to the user after the parameterized query is

executed. Since a parameterized query result set being returned to the user must include not only the field being searched for in a parameterized query but also the value being searched for in that field, Yuknewicz teaches identifying a parameterized query only if each field, specified as required in the parameterized query associations corresponding to the identified parameterized query is contained in the result set. The claim language only requires one parameterized query to be identified, that is "one or more" can be "one". This query is the one that is selected by the user to be executed, and as stated above once this query is executed the field specified in the parameterized query will be contained in the result set. The executable component configured to identify this query would be in program that displays the interface to the user so that the user can select the query based on the selected data set.

*Examiner's Answer*, page 11. Based on this argument, the Examiner's analogy of Yuknewicz to claims 1 and 22 may be illustrated by the following diagram, wherein analogous elements are related by dotted arrows:



Applicants respectfully submit that the Examiner's analogy is flawed. The Examiner's analogy does not teach each distinctly claimed element of claim 1, but rather uses single elements of *Yuknewicz* to represent multiple claim elements. For example, as illustrated above, the Examiner relies on the selected query of *Yuknewicz* (i.e., the query selected by the user from drop down menu 530 shown in Figure 5) to represent two distinctly claimed elements, namely the original executable query (or "first query" as recited in claim 22) and the parameterized queries that are identified by the executable component recited in claim 1. The Examiner also relies on an interface program of *Yuknewicz* to represent two distinctly claimed elements, namely the interface and the

executable component recited in claim 1. Thus, *Yuknewicz* fails to teach “each and every element as set forth in the claim.” Further, as made clear by the above diagram, the Examiner’s analogy does not arrange the individual elements of *Yuknewicz* in the manner required by the present claims. Thus, the Examiner’s analogy fails to comply with the requirement that “[t]he elements must be arranged as required by the claim.” *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Regarding independent claim 7, *Yuknewicz* does not teach a method that includes the recited step of *identifying a parameterized query only if each field, specified as required in a parameterized query association corresponding to the identified parameterized query, are contained in the result set*. Claim 1 recites a similar limitation in system form, namely *an executable component configured to identify one or more of the parameterized queries only if each field, specified as required in one or more parameterized query associations corresponding to the identified parameterized queries, are contained in the result set*.

As shown in the above quotation from the *Examiner’s Answer*, the Examiner argues that this limitation is taught by *Yuknewicz* because “a parameterized query result set being returned to the user must include not only the field being searched for in a parameterized query but also the value being searched for in that field.” In other words, the Examiner argues that, since a query output includes fields that may be specified in the query itself, the query output may be used to identify the query itself. Applicants respectfully submit that *Yuknewicz* does not teach using the output of a query to identify the query itself. Further, the Examiner’s argument fails to explain how any identification of a query from result fields is in any way based on determining whether said fields are specified as required in one or more parameterized query associations, as recited in the present claims. Furthermore, Applicants respectfully submit that, contrary to the Examiner’s assertion, a parameterized query result set does not necessarily have to include “the field being searched for in a parameterized query but also the value being searched for in that field.” In fact, parameterized queries may be composed to include

condition fields different from output fields. For example, see the exemplary parameterized query illustrated in paragraph [0047] of the present application.

Regarding independent claim 12, *Yuknewicz* does not teach a method that includes the recited step of *analyzing a results set presented to identify parameterized queries associated with fields contained therein*. Regarding this element, the Examiner cites to paragraph [0048] of *Yuknewicz*. Thus, the Examiner is apparently arguing that the data used in generating the dialog box 500 (shown in Figure 5 of *Yuknewicz*) teaches the recited "results set." However, Applicants respectfully submit that the cited paragraph, as well *Yuknewicz* generally, does not teach analyzing any results set that is presented to identify parameterized queries.

Regarding independent claim 16, *Yuknewicz* does not teach a computer-readable medium containing a program which, when executed by a processor, performs operations comprising *providing an interface allowing a user to associate parameterized queries with fields, wherein the interface allows the user to specify one or more fields that are required to be contained in the results set before a corresponding parameterized query is presented to the user*. Regarding this element, the Examiner cites to paragraph [0055] of *Yuknewicz*, which describes the form 312 illustrated in Figure 6. Thus, the Examiner is apparently arguing that the description of the query form 312 (i.e., a simplified query interface) teaches the recited element. However, Applicants respectfully submit that the cited paragraph, as well *Yuknewicz* generally, does not teach specifying required fields to be included in a results set before the parameterized query is presented to the user. Therefore, *Yuknewicz* fails to teach "each and every element as set forth in the claim."

Accordingly, *Yuknewicz* does not describe "each and every element as set forth in" claims 1, 7, 12, 16, and 22 and their dependents. Applicants therefore respectfully request that the rejections be withdrawn.

## **CONCLUSION**

The Examiner errs in finding that claims 1-7, 12-16 and 22-26 are anticipated by Yuknewicz under 35 U.S.C. 102(e).

Withdrawal of the rejections and allowance of all claims is respectfully requested.

Respectfully submitted, and  
**S-signed pursuant to 37 CFR 1.4,**

/Gero G. McClellan, Reg. No. 44,227/

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